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*Attorneys for Plaintiffs and the proposed Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO / OAKLAND DIVISION

MARTIN LEWIS and AARON COOPER,  
on behalf of themselves and a class of  
those similarly situated,

Plaintiffs,

v.

WELLS FARGO & CO.,

Defendant.

Case No. 08-2670 JCS

**NOTICE OF PENDENCY OF OTHER  
ACTION OR PROCEEDING PURSUANT  
TO LOCAL RULE 3-13**

The Honorable Joseph C. Spero

**TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE**, pursuant to Local Rule 3-13, Plaintiffs Martin Lewis and Aaron Cooper provide notice that the instant action (“*Lewis*”) involves (a) all or a material part of the same subject matter and (b) all or substantially all of the same parties as *Russell v. Wells Fargo & Co.*, Case No. 07-3993 CW (N.D. Cal.) (“*Russell*”).

In addition to this Notice, Plaintiffs are simultaneously filing an Administrative Motion To Consider Whether Cases Should Be Related (and a supporting Declaration and Proposed Order) in the *Russell* Case, pursuant to Local Rule 3-12. Chambers copies of that Administrative Motion and supporting documents as well as this Notice are being provided to the Courts in both *Lewis* and *Russell*.

**I. ARGUMENT**

First, both *Russell* and *Lewis* involve allegations by classes of technical support workers employed by Wells Fargo & Company (“Wells Fargo”) that Wells Fargo misclassified those classes of employees as exempt from the overtime pay requirements of the Fair Labor Standards Act, and that those classes of employees worked overtime hours for which they were not compensated. Wells Fargo’s policies and procedures regarding exemption classification decisions, the organization of its Information Technology department (called Technology Infrastructure Group, or “TIG”), the nature of the work performed by TIG employees, and the overtime hours worked by TIG employees are among the issues central to the subject matter of both *Russell* and *Lewis*.

Second, both cases involve identical defendants (Wells Fargo).

Third, the two cases involve potentially overlapping plaintiff class populations, because some individuals may fit within the class definitions of both cases. Specifically, the *Russell* class is defined in relevant part as Wells Fargo employees nationwide who worked in the

1 Technology Information Group “with the primary job duties of providing computer support,  
2 including persons with the job title ‘PC/LAN Engineers,’” and the *Lewis* class is defined in  
3 relevant part as Wells Fargo employees nationwide who work or worked as “technical support  
4 workers with the primary duties of installing, maintaining, and/or supporting computer software  
5 and/or hardware, including but not limited to Network Engineers, but excluding PC/LAN  
6 Engineers.” Plaintiffs believe that the classes include at least several hundred class members  
7 each. Although the class definitions are non-overlapping, individuals who satisfy both class  
8 definitions (i.e., they worked in both a PC/LAN Engineer position and a non-PC/LAN Engineer  
9 technical support position during the appropriate class periods) would be class members in both  
10 cases.  
11

## 12 **II. CONCLUSION**

13 In sum, the parties, their counsel, and the Court would benefit from assignment of  
14 *Lewis* to Judge Wilken, who presides over *Russell*, and coordination of the two cases. This will  
15 allow the parties to conduct discovery expeditiously and efficiently, enable the Court to decide  
16 similar issues that arise in both cases with consistency and efficiency, and facilitate the  
17 communication of case status updates to class members.  
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19 For the reasons set forth above, Plaintiffs respectfully request that the instant  
20 action be assigned to Judge Claudia Wilken and coordinated with *Russell*.  
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Respectfully submitted,

Dated: May 29, 2008

By: /s/ Jahan C. Sagafi  
Jahan C. Sagafi

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